THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182 and 10409 of 2006

24.05.2006

Between:

Shaik Saleem Basha and others.

…Petitioners

And

A.P.State Wakf Board, Nampally, Hyderabad,
rep. by its Chief Executive Officer and another.

….Respondents.

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COMMON ORDER :

The petitioners in this batch of writ petitions are employees of different categories in the A.P. State Wakf Board. Through various orders passed in the year 2005, they have been promoted to higher

posts. All of them are issued show cause notices in May 2006, stating that the promotions extended to them are contrary to the relevant Service Regulations and that the procedure prescribed for effecting promotions was not followed, particularly, in the context of considering the other eligible candidates. They are required to show cause as to why the promotions extended to them shall not be cancelled. The petitioners challenge the show cause notices on several grounds.

Sri M.V.S. Suresh Kumar, learned counsel for the petitioners, submits that the impugned show cause notices have been issued in view of the change of incumbency and administration of the Wakf Board. He contends that the Chief Executive Officer is not vested with the power to review the orders passed by his predecessor. Several other contentions are also urged.

Sri Mohd. Asifuddin, learned Standing Counsel for the Respondent Board, on the other hand, submits that a mere perusal of the orders of promotion discloses that the prescribed procedure was not followed and the present effort is nothing but the one to set right the irregularities that have taken place.

Basically, this Court would be slow to entertain the petitions filed against the show cause notices. It is not in dispute that the individual petitioners have been extended the benefit of promotion by the then Executive Officer and it is alleged that not only the prescribed procedure was deviated from, but also the cases of other eligible candidates were not considered. These are the questions, which need to be examined with reference to the explanations that may be offered by the petitioners. In case the petitioners are able to satisfy the respondents that no irregularities have taken place in the matter of their promotions, there is no reason to believe that the respondents would not take the reasonable stand. On the other hand, if it emerges that the promotions of the petitioners are contrary to any specific

rules, the necessary correctives need to be made. Even in such a case, the right of the petitioners to be considered afresh remains intact.

Hence, the writ petitions are disposed of directing that the respondents shall take the explanations submitted by the petitioners in to account before passing any final orders, and till such time, the petitioners shall not be disturbed from their existing positions.
No order as to costs.

L. NARASIMHA REDDY, J

Date: 24th May 2006

ajr/pv